

## SCHEDULES

### SCHEDULE 20

Section 307.

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Instruments and articles for grant-maintained schools incorporated under the old law*

- 1 (1) This paragraph applies in relation to a grant-maintained school the governing body of which were incorporated under Chapter IV of Part I of the Education Reform Act 1988.
- (2) If at the commencement of section 56 of this Act both an instrument of government and articles of government have been made for the school under that Chapter the instrument and articles so made—
- (a) shall have effect as if they contained such modifications as may be required by an order under section 308 of this Act, and
  - (b) shall (as so modified) have effect as if made by an order under section 57 of this Act and in accordance with Part II of this Act.
- (3) If sub-paragraph (2) above does not apply—
- (a) the instrument and articles of government prescribed by virtue of section 56 of this Act shall have effect as from the commencement of that section, and
  - (b) Part III of Schedule 7 to this Act shall have effect while those instruments are in force with such modifications as may be required by an order under section 308 of this Act.

##### *Grants: transitional arrangements*

- 2 (1) A commencement order may provide for any functions conferred on the Secretary of State by or under the old grants code or the transitory grants code for Wales, so far as relating to any amounts which—
- (a) fall, or may fall, to be paid in a financial year for which section 81 of this Act has effect or, as the case may be, after the commencement of section 82 or 83 of this Act, or
  - (b) have been paid by the Secretary of State,
- in respect of any grant under that code, to be exercisable instead by the funding authority.
- (2) The order may provide for functions exercisable by the funding authority by virtue of sub-paragraph (1) above to be exercised in accordance with the order.
- (3) In this paragraph—
- “commencement order” means, in relation to England, an order under section 308 of this Act and, in relation to Wales, an order under section 4 of this Act,
  - “the old grants code” means sections 79 and 80 of the Education Reform Act 1988 as they apply in relation to England, and

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*Status: This is the original version (as it was originally enacted).*

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“the transitory grants code for Wales” means sections 86 to 91 of this Act.

*Meaning of “funding authority” before Funding  
 Agency for Schools begin to exercise functions*

- 3 (1) Before the Funding Agency for Schools begin to exercise their functions, references in the relevant provisions to the funding authority shall be read in relation to schools in England or the governing bodies of such schools as references to the Secretary of State.
- (2) The relevant provisions are—
- (a) paragraph 1(3) of Schedule 3 to this Act, and
  - (b) paragraph 6 of Schedule 4 to this Act.

*Education committees etc and members of those committees*

- 4 (1) Sub-paragraph (2) below applies to—
- (a) any education committee established in accordance with paragraph 1 of Part II of the First Schedule to the Education Act 1944, and
  - (b) any sub-committee of any such committee appointed in accordance with paragraph 10 of that Part,
- which is in existence immediately before the commencement of section 296 of this Act.
- (2) Any committee or sub-committee to which this sub-paragraph applies shall, for the purposes of any enactment, be treated as if it had been—
- (a) appointed at the commencement of that section—
    - (i) in the case of a committee, by the local authority, or
    - (ii) in the case of a sub-committee, by the committee appointed by the authority,
 in accordance with section 102(1) of the Local Government Act 1972, and
  - (b) so appointed wholly or partly for the purpose of discharging any functions with respect to education conferred on them in their capacity as a local education authority or, as the case may be, the committee’s functions with respect to education.
- (3) Sub-paragraph (4) below applies to any person who is immediately before the commencement of section 296 of this Act a member of an education committee or sub-committee of such a committee appointed for a term of office.
- (4) Any person to whom this sub-paragraph applies shall, for the purposes of any enactment, be treated—
- (a) as if he had been appointed at the commencement of that section as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above for the residue of that term, and
  - (b) if he was a member of an education committee or sub-committee by virtue of directions given by the Secretary of State under paragraph 5A of Part II of the First Schedule to the Education Act 1944, as if he had been appointed at the commencement of that section as a member of a committee or sub-committee appointed as mentioned in sub-paragraph (2) above by virtue of directions given by the Secretary of State under section 297 of this Act.

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*Lay members for existing admission appeal committees*

- 5 Paragraph 13(4) of Schedule 5 to this Act does not apply to any appeal committee constituted, before the commencement of that Schedule, in accordance with the instrument of government for any grant-maintained school for the purposes referred to in section 58(5)(d) of the Education Reform Act 1988 (articles of government - admission appeal committees) while all the members of the committee are persons who were nominated before commencement.
- 6 No amendment made by Schedule 16 to this Act applies to any appeal committee while all the members of the committee are persons who were nominated before the commencement of the amendment.

*General*

- 7 The provisions of this Schedule are without prejudice to the generality of section 301(6) of this Act.